

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Surprise Check conducted over the Boarder Commercial Tax Check Post, Panchalingala, Kurnool on 03-06-2016 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer/Administrative Officer - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.652

Dated:18-05-2018

Read the following:

- Ref: 1. From DG,ACB, Lr.No.59/DES-KUR/2016-S.6, Dt.19.12.2017.
2. From DG,ACB, Lr.No.59/DES-KUR/2016-S.6, Dt.26.04.2018.
3. G.O.Ms.No.257, Revenue (Vig.II) Dept., dt.18-05-2018.

ORDER:

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 3rd read above, it is considered necessary to hold an enquiry against Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer/Administrative Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer / Administrative Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer / Administrative Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer / Administrative Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri Dudekula Hussain peera, Deputy Commercial Tax Officer/ Administrative Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool (w.e, Annexures-I to IV) **through** the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedpugallu, Vijayawada.

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Kurnool.
SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI DUDEKULA HUSSAIN PEERA, DCTO/AO, COMMERTIAL TAXES BOARDER CHECK POST, PANCHALINGALA, KURNOOL

That, Sri Dudekula Hussain Peera, age 49 yrs, S/o D.Kasanna, Deputy Commercial Tax Officer/Administrative Officer, Commercial Taxes Boarder Check Post at Panchalingala, Kurnool joined in Government service on 11-03-2005 as Assistant Commercial Tax Officer (ACTO). He was promoted as Deputy Commercial Tax Officer on 30-11-2011 and worked as Deputy Commercial Tax Officer -I, Adoni from 27-06-2012. He is presently working as Deputy Commercial Tax Officer /Administrative Officer, Commercial Taxes Boarder Check Post at Panchalingala, Kurnool District on deputation from 22-05-2016 to till date i.e. surprise check dt:03-06-2016. While working as Deputy Commercial Tax Officer /Accused Officer, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool on 03/04-06-2016, he committed grave misconduct in as much as.

CHARGE:

That Sri D.Hussain Peera, Deputy Commercial Tax Officer / Administrative Officer, Check Post, Panchalingala, Kurnool District failed to supervise his sub-ordinates who had collected bribe from the drivers/cleaners of the lorries which passed through the check post. During the supervise check, excess amount of Rs.170/- was found with Sri M.Naga Pullaiah, Junior Assistant and a separate bunch of Rs.3,000/- was found in the right side pant pocket of Sri P.Satyanarayana, Office Sub-ordinate in his presence and he also could not explain the same. Besides, a number of lorry drivers and cleaners who pass through the check post were examined. All of them stated that whenever they would pass through the Commercial Taxes Check Post, Kurnool, the staff of the check post officials threaten them that they would be harassed in the name of checking and cases would be registered against them if the bribe to the check post officials at the counter was not paid. They further stated that the Commercial Taxes Boarder check post officials of Kurnool district forcibly collected bribe from them ranging from Rs.100/- to 300/-. They further stated that the staff of the Commercial Taxes Department Check Post, Kurnool were habituated in collecting bribes from them in the guise of verifications of documents of the vehicles. Thus an unauthorized total amount of Rs.3,170/- was seized during the Surprise Check conducted on the i/n of 03/04-04-2016 and violated Rule 3(1)(2) and (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer by his above mentioned acts exhibited lack of Integrity, Devotion to duty and Conduct unbecoming of a Government servant and failed to ensure Integrity and Devotion to duty by the Govt. servants working under his control and authority and thereby contravened Rule 3(1), (2) and (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN RESPECT OF ARTICLE OF CHARGE FRAMED AGAINST SRI DUDEKULA HUSSAIN PEERA, DCTO/AO, COMMERTIAL TAXES BOARDER CHECK POST, PANCHALINGALA, KURNOOL

Sri Dudekula Hussain Peera, S/o D.Kasanna is a native of Anantapuram district. His date of birth is 01-06-1967. He joined in Govt. Service on 11-03-2005 as Assistant Commercial Tax Officer. Later, he was promoted as Deputy Commercial Tax Officer on 30-11-2011, transferred and posted to Deputy Commercial Tax Officer -I, Adoni on 27-06-2012. At present he is working at Commercial Taxes Boarder Check Post at Panchalingala, Kurnool on deputation from 22-05-2016 to till date i.e. Surprise Check dt:03-06-2016. He is drawing basic pay of Rs.66,330/- in the time scale of Rs.35,120/- - Rs.87,130/-. He is due to retire from service on attaining the age of superannuation on 31-05-2027. He is herein after called as Government Servant.

That on the intervening night of 3-6-2016 a surprise check was conducted at the office premises of Boarder Commercial Tax Check Post situated on N.H.44 near Panchalingala, Kurnool at 9 pm onwards in the presence of mediators and surprise check members entered into the premises of the Commercial Tax Check Post at 9 pm and found 7 persons clad in civil dress attending to their regular work. Out of which 3 or 4 persons were standing in front of the middle shutter facing the person sitting the middle shutter and that out of the persons found inside the premises one found is sitting in a chair at the centre of the premises before a table attending his regular work and that 2 persons were found sitting in chair before a computer system at the entry point of the said premises near the middle of the shutter and that one person is sitting before a computer system at the entry point of the premises near the left side shutter and another person was sitting before a computer system at the entry point of the premises near the right side shutter and 2 persons were found loitering the premises. The Deputy Superintendent of Police, Anti-Corruption Bureau, Kurnool then disclosed his identity of the persons available in the Commercial Tax Check Post and enquiry disclosed that Sri B.Hussein Peera was the Deputy Commercial Tax Officer, Sri B.Sreedhar is Assistant Commercial Tax Officer, Sri M.Nagula Pullaiah, Sri Y.Govindu are the Junior Assistants and Sri P.Satyanarayana, Sri K.Satyanarayana are the office subordinates and Sri T.Ismail Jabullah Khan was the Data Entry Operator.

That the Deputy Superintendent of Police, Anti-Corruption Bureau, Kurnool in the presence of mediators searched the above said persons and found an amount of Rs.200/- with Deputy Commercial Tax Officer, Rs.280/- was found with Assistant Commercial Tax Officer, Rs.630/- was found with M.Naga Pullaiah, Junior Assistant and Rs.80/- with Y.Govindu, Junior Assistant and Rs.240/- with P.Satyanarayana, Office Subordinate in his shirt and a separate bunch of Rs.3,000/- found in his right side pant pocket and Rs.120/- found with K.Satyanarayana, Office Subordinate.

That on verification of the personal cash register it was found that Sri M.Nagapullaiah, Junior Assistant is found in possession of Rs.170/- more than the cash declared in the personal cash register declared at the time of coming to duty. The personal cash register disclose that Sri M.Nagapullaiah, Junior Assistant declared an amount of Rs.460/- while so he was found in possession of Rs.630/- by the time the Anti-Corruption Bureau officials conducted surprise check in the office. Further as per rules Sri M.Nagapullaiah, Junior Assistant is eligible only to carry a maximum amount of Rs.500/- with him while on duty.

That the Government Servant Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer, while working in Commercial Taxes Boarder Check

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Post at Panchalingala, Kurnool on 03-06-2016 failed to supervise his subordinates who had collected bribe from the drivers/cleaners of the lorries which passed through the check post. During the surprise check, excess amount of Rs.170/- was found with Sri M.Naga Pullaiah, Junior Assistant and a separate bunch of Rs.3,000/- was found in the right-side pant pocket of Sri P.Sathyanarayana, Office Sub-ordinate in his presence and he also could not explain the same. Besides, a number of lorry drivers and cleaners who pass through the check post were examined. All of them stated that whenever they would pass through the Commercial Taxes Check Post, Kurnool, the staff of the check post constrained them to pay bribe to the check post officials and threaten them that they would be harassed in the name of checking and cases would be registered against them if the bribe to the check post officials at the counter was not paid. They further stated that the Commercial Taxes Boarder check post officials of Kurnool district forcibly collected bribe from them ranging from Rs.100/- to Rs.300/-. They further stated that the staff of the Commercial Tax Department Check Post, Kurnool were habituated in collecting bribes from them in the guise of verifications of documents of the vehicles and etc. facts.

That Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer, while working in Commercial Taxes Boarder Check Post at Panchalingala, Kurnool being Supervisory Officer, has failed in controlling his subordinate Sri P.Satyanarayana, Office Subordinate and Sri Nagapullaiah, Junior Assistant at the Commercial Taxes Boarder Check Post where an unauthorized total amount of Rs.3,170/- was collected from the Drivers/Cleaners of the vehicles passing through the Check Post, was seized during the Surprise Check conducted on the i/n of 03/04-06-2016 and violated Rule 3(5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, Sri Dudekula Hussain Peera, Deputy Commercial Tax Officer by his above mentioned acts exhibited lack of Integrity, Devotion to duty and Conduct unbecoming of a Government servant and failed to ensure Integrity and Devotion to duty by the Govt. servants working under his control and authority and thereby contravened Rule 3(1), (2) and (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government servant had therefore rendered himself liable for regular departmental action for major penalty.

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES

1. Sri Mangamuri Bala Krishnudu, Age:43 years, S/o Sri M.Madduleti
Occ:Asst. Registrar, O/o Dist. Co-operative Audit Officer,
Krishnanagar, Kurnool, R/o H.No.87-617-3, Gaffoor Nagar, Kurnool
Town.
2. Sri Nallamala Lakshmi Narayana, age 32 years, S/o N.Sivaiah,
Occ:Junior Inspector, O/o Dist. Co-operative Audit Officer,
Krishnanagar, Kurnool, R/o H.No.76/100-3-5-E-1-1, Geetha Nagar,
Bellary Chowrasta, Kurnool Town.
3. Sri Eediga Tirumalesh Gowd, S/o E.Venkatesh, H.No.1/77, Pesala
Dinne Village, Yemmiganur Mandal, Kurnool District (Driver of lorry
bearing No.AP 09 TA 1359).
4. Sri Hilali Hajmathulla, S/o H.Davood Shariff, H.No.3-104, Veerampalli
Village, Gonegandla Mandal, Kurnool District (driver of lorry bearing
No.AP21TW 4074).
5. Sri Shaik Jamal, S/o Ismail, H.No.3-34A, Singavaram Village, Bandi
Atmakur Mandal, Kurnool District (Driver of lorry bearing No.AP16 TU
2632).
6. Sri Shaik Imran, S/o Ishak, Kothapeta, Near Rythu Bazaar, Kurnool
Town, (Cleaner of lorry bearing NO.AP28T7506).
7. Sri M.Mahaboob Basha, Deputy Superintendent of Police, ACB,
Kurnool Range, Kurnool.
8. Sri G.Seetharama Rao, Inspector of Police, ACB, Kurnool Range,
Kurnool.

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTS:

1. Surprise Check Proceedings, dated:03/04-06-2016 drafted n the Commercial Taxes Boarder Check Post, Panchalingala, Krunool, Kurnool District.
2. Seized cash of Rs.3,170/-.
3. Personal Cash Register of the Commercial Taxes Boarder Check Post, Panchalingala, Kurnool.

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